

16-0226

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

ELIZABETH D. WALKER,

Petitioner,

Civil Action No. 16-AA-13

v.

NATALIE E. TENANT, GARY A. COLLIAS,
and VINCENT P. CARDI, Members of the
West Virginia State Election Commission;
GLEN B. GAINER, III, West Virginia State
Auditor; JOHN D. PERDUE, West Virginia
State Treasurer; and WILLIAM R. WOOTON,

Respondents.

**ORDER CERTIFYING QUESTION TO THE
WEST VIRGINIA SUPREME COURT OF APPEALS**

This Court **CERTIFIES** the following question to the West Virginia Supreme Court of Appeals:

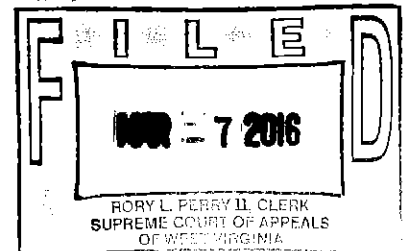
Was the West Virginia State Election Commission's certification of Respondent Wooton for public financing of his candidacy for the West Virginia Supreme Court of Appeals under West Virginia Code §§ 3-12-1, *et seq.*, valid?

The Court answers the question as follows:

No. The West Virginia State Election Commission's certification of Respondent Wooton for public financing of his candidacy for the West Virginia Supreme Court of Appeals under West Virginia Code §§ 3-12-1, *et seq.*, was not valid.

To the extent that the State Election Commission's order certifying Respondent Wooton for public campaign finance money has not been implemented, the State Election Commission's rulings in this matter are stayed pending resolution of the certified question. The parties are directed to prepare a joint appendix of the record sufficient to permit review of the certified question.

FILED
2016 MAR -7 PM 1:08
KATHY S. GATSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

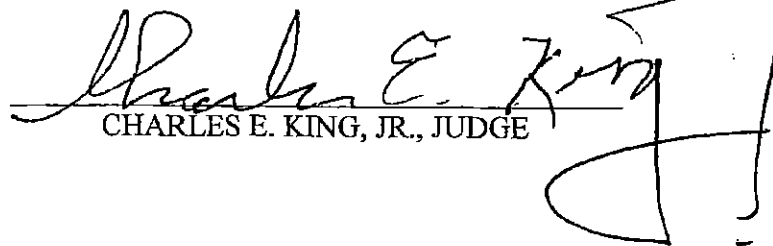


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The Clerk is directed to forward certified copies of this Order to all parties or counsel of record.

The Court notes the objection and exception of the party or parties aggrieved by this Order.

Entered this 7th day of March, 2016.


CHARLES E. KING, JR., JUDGE

Date: 3-8-16
Certified copies sent to:
☒ counsel of record
☐ parties
☐ other (please indicate)
By: R. Bernick Jr
☒ certified/tel class mail
☒ fax S. Forde
☐ hand delivery T. Ryan
☐ interdepartmental S. Garner III
Other descriptive accomplished: WSC A-R. Pany CLK
Deputy Circuit Clerk

3/7/16 Faxed to Attys of Record per Judge (K)

FUNCTION = SEQ INQUIRY

CASE SCREEN 4

Case number : 16-AA-13

Action Log

ELIZABETH D. WALKER, CANDIDATE vs. NATALIE E. TENNANT, EX-OFFICIO

| Line | Date | Action / Results |
|------|----------|---|
| 1 | 02/09/16 | # PETITION W/EXH & COS; F FEE; RCPT 537225; \$200.00; APPLICATION |
| 2 | | # FOR STAY; MOT FOR BRIEFING SCHED & ORAL ARGUMENT; DOCKETING |
| 3 | | # STATEMENT |
| 4 | 02/11/16 | # CASE INFO SHEET; |
| 5 | 02/12/16 | # MOT BY WILLIAM WOOTON TO CERTIFY QUESTION TO WVSCA W/COS |
| 6 | 02/12/16 | # WILLIAM WOOTON'S MEMO IN OPPOS TO APPLICATION FOR STAY |
| 7 | | # W/ATTACH & COS |
| 8 | 02/16/16 | # VARIOUS RESPONDENT'S RESP TO APPLICATION FOR STAY W/COS |
| 9 | 02/19/16 | # RESP OF PETITIONER TO MOT TO CERTIFY QUESTION & PROPOSED O |
| 10 | | # W/COS; FAX COV LET |
| 11 | 02/23/16 | # RECORD FROM STATE ELECTION COMMISSION & DESIGN OF RECORD W/COS |
| 12 | 02/23/16 | # ADDT'L SPACE FOR SCANNING LINE #11 |
| 13 | 02/23/16 | # ADDT'L SPACE FOR SCANNING LINE #11 |
| 14 | 02/23/16 | # WILLIAM WOOTON'S AMD RESP TO MOT TO CERTIFY QUESTION TO WVSCA |
| 15 | | # W/ATTACH & COS; FAX COV LET |
| 16 | 02/26/16 | # FAX FROM K&L GATES TO CLK PAGES 1 OF 21 (PETITIONER'S SUPP |
| 17 | | # TO STATE ELECTION COMMISSION CERTIFICATION & DESIGN OF RECORD) |
| 18 | 02/26/16 | # FAX FROM K&L GATES TO CLK PAGES 1 OF 25 (PETITIONER'S SUPP |

C=Chg D=Del 1-4=Scr M=Menu T=Chg Line# PgUp PgDn P=Prt A=Add I=Image

FUNCTION = SEQ INQUIRY

CASE SCREEN 4

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ELIZABETH D. WALKER,, CANDIDATE vs. NATALIE E. TENNANT,, EX-OFFICIO

| Line | Date | Action / Results |
|------|----------|--|
| 19 | | # TO STATE ELECTION COMMISSION CERTIFICAITON & DESIGN OF RECORD) |
| 20 | 03/01/16 | # NOT OF APPEARANCE W/COS |
| 21 | 03/03/16 | # MEMO OF WILLIAM WOOTON IN SUPP OF DECISION OF STATE ELECTION |
| 22 | | # COMMISSION W/COS |
| 23 | 03/03/16 | # BRIEF OF PETITIONER RELATING TO CERTIFIED QUESTION W/COS; FAX |
| 24 | | # COV LET |
| 25 | 03/07/16 | # O: CERTIFYING QUESTION TO WVSCA/KIN |
| 26 | 03/07/16 | KL FAX CONF. TO G.GAINER III FOR O: FILED 3/7/16 |
| 27 | 03/07/16 | KL FAX CONF. TO T. RYAN FOR O: FILED 3/7/16 |
| 28 | 03/07/16 | KL FAX CONF. TO J.PERDUE FOR O: FILED 3/7/16 |
| 29 | 03/07/16 | KL FAX CONF. TO R.BERTHOLD JR FOR O: FILED 3/7/16 |
| 30 | 03/07/16 | KL FAX CONF. TO P.MORRISEY FOR O: FILED 3/7/16 |
| 31 | 03/08/16 | KL FAX CONF. TO R.GOTTLIEB FOR O: FILED 3/7/16 |
| 32 | 03/07/16 | O: FAXED TO G.GAINER III,T.RYAN,J.PERDUE,R.BERTHOLD JR, |
| 33 | | P.MORRISEY,R.GOTTLIEB; MLD TO WVSCA/RORY PERRY(S3/7/16) |

C=Chg D=Del 1-4=Scr M=Menu T=Chg Line# PgUp PgDn P=Prt A=Add I=Image